BOMBAY ACT No. V OF 1905.[1]

[*12th December, 1905.*]

An Act further to amend the [2] City of Bombay Municipal Act, 1881.

WHEREAS it is expedient further to amend the [2] City of Bombay Municipal Act, 1888, in manner hereinafter appearing ; It is hereby enacted as follows :— Bom. III of 1888.

Short title. 1. This Act may be called the City of Bombay Municipal (Amendment) Act, 1905.

Substitution of a clause for section 3, clause (*u*). 2. For clause (*u*) of section 3 of the City of Bombay Municipal Act, 1888, hereinafter called " the said Act," the following clause shall be substituted, namely :— Bom. III of 1888.

[*Vol. III of this Code, p. 978.*]

Addition of a proviso to clause (*j*) of sub-section (*2*) of section 26. 3. To clause (*j*) of sub-section (*2*) of section 26 of the said Act the following proviso shall be added, namely :—

[*Vol. III of this Code, p. 989.*]

Amendments in section 28. 4. (*1*) For clause (*c*) of section 28 of the said Act, the following clause shall be substituted, namely :—

[*Vol. III of this Code, p. 990.*]

(*2*) In clause (*m*) of the said section, for the words " to any such challenge to appear, within three days after the poll, before the Commissioner " the following words shall be substituted, namely :—

[*Vol. III of this Code, p. 992.*]

(*3*) In clause (*p*) of the said section

(*a*) for the words " the Commissioner shall " the following words shall be substituted, namely :—

" The Commissioner shall, as soon as may be, declare the results of the poll, specifying the total number of valid votes given for each candidate. He shall also " ; and

(*b*) for the words " and cause lists to be prepared of the valid votes given for each candidate " the following words shall be substituted, namely :—

[*Vol. III of this Code, p. 992.*]

Amendments in section 33 5. (*1*) In sub-section (*1*) of section 33 of the said Act,

(*a*) for the word " eight " the word " fifteen " shall be substituted ; and

(*b*) after the word " Court " the following words shall be added, namely :—

[*Vol. III of this Code, p. 995.*]

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[1] For Statement of Objects and Reasons, *see* Bombay Government Gazette, 1905, Pt. VII, p. 329 ; for Report of Select Committee, *see ibid*, 1905, Pt. VII, p. 523, and for Proceedings in Council, *see ibid*, 1905, Pt. VII, pp. 408 and 563.

[2] Vol. III of this Code, p. 975.

(*2*) In sub-section (*2*) of the said section, after the words "he shall confirm the declared result of the election" the following words shall be substituted for the remainder of the sub-section, namely :—

[*Vol. III of this Code, p. 996.*]

Substitution of a sub-section for section 68, sub-section (*2*).

6. For section 68, sub-section (*2*), of the said Act the following sub-section shall be substituted, namely :—

[*Vol. III of this Code, p. 1015.*]

Insertion of words in section 77, sub-section (*2*), clause (*d*).

7. To clause (*d*) of sub-section (*2*) of section 77 of the said Act the following words shall be added, namely :—"and, after approved service of not less than seven years to a sum not exceeding rupees twelve hundred."

Insertion of words in section 118, clause (*c*).

8. In clause (*c*) of section 118 of the said Act,

(*a*) after the words "salaries," the words "joining-time allowances" shall be inserted, and

(*b*) after the word "Act" the words "and of any officer whose services may, at the request of the corporation, be placed by Government at their disposal" shall be added.

Addition of a sub-section to section 120.

9. To section 120 of the said Act the following sub-section shall be added, namely :—

[*Vol. III of this Code, p. 1040.*]

Insertion of words in section 220.

10. In section 220 of the said Act, before the word "belonging" the words "vesting in or" shall be inserted.

Insertion of a section after section 220.

11. After section 220 of the said Act the following section shall be inserted, namely :—

[*Vol. III of this Code, p. 1071.*]

Amendments in section 221.

12. (*1*) Section 221 of the said Act shall be re-numbered section 221, sub-section (*1*);

(*2*) After the said sub-section, the following sub-section shall be inserted, namely :—

[*Vol. III of this Code, p. 1072.*]

Repeal of section 226.

13. Section 226 of the said Act is hereby repealed.

Insertion of words in sections 228, 229, 230, 233 and 236.

14. (*1*) In sections 228, 229, 230, sub-section (*1*), 233, sub-section (*1*), and 236 of the said Act, after the words "municipal drain" the words "or other place legally set apart for the discharge of drainage" and

in section 239 of the said Act, after the words "municipal drains" the words "or other places legally set apart for the discharge of drainage"

shall be inserted,

(*2*) In section 233, sub-section (*2*), of the said Act, after the words "municipal drain" the words "or other place aforesaid" shall be inserted.

Substitution of words in section 228.

15. In section 228 of the said Act, for the words "the communications between drains not belonging to the corporation and municipal drains" the words "connections with municipal drains or other places aforesaid" shall be substituted.

Substitution of words in section 230, sub-section (*4*).

16. In section 230, sub-section (*4*), of the said Act, for the words "by whom or in whose behalf" the words "for the benefit of which" shall be substituted.

Amendments of section 231.

17. In section 231 of the said Act,

(*a*) in clause (*a*), after the word "level" the words "and according to such alignment" shall be inserted; and

(*b*) the following proviso shall be added, namely :—

[Vide *Vol. III of this Code, p. 1076.*]

Amendments of section 232.

18. In section 232 of the said Act,

(*a*) in sub-section (*1*), for the words "to make a drain emptying into a covered cesspool" the following words shall be substituted, namely :—

[*Vol. III of this Code, p. 1077.*]

(*b*) for sub-section (*2*) the following sub-section shall be substituted, namely :—

[*Vol. III of this Code, p. 1077.*]

Insertion of a section after section 232.

19. After section 232 of the said Act the following section shall be inserted, namely :—

[*Vol. III of this Code, p. 1077.*]

Amendments of section 233, sub-section (*1*).

20. In sub-section (*1*) of section 233 of the said Act,

(*a*) after the word "city" the words "or of the part of the city in which such drain is situated" shall be inserted, and

(*b*) for clause (*b*) the following clause shall be substituted, namely :—

[*Vol. III of this Code, p. 1078.*]

Insertion of a section after section 233.

21. After section 233 of the said Act the following section shall be inserted, namely :—

[*Vol. III of this Code, p. 1079.*]

Substitution of words in section 234, sub-section (*2*).

22. In sub-section (*2*) of section 234 of the said Act, for the words "such building" the words "the premises in which such building is situated" shall be substituted.

Amendments of section 238, sub-section (*1*).

23. In sub-section (*1*) of section 238 of the said Act

(*a*) for the words "On receipt of any such application" the words

[Vide *Vol. III of this Code, p. 1080.*]

shall be substituted, and

(*b*) for the words

(*i*) "applicant," in the first place where it occurs, the words "said owner or occupier," and, in the second place where it occurs, the words "said premises", and

(*ii*) "drain to which his application refers" the words "communicating drain" shall be substituted.

Substitution of a section for section 241.

24. For section 241 of the said Act the following section shall be substituted, namely :—

[*Vol. III of this Code, p. 1082.*]

Substitution of words in section 242.

25. In section 242 of the said Act, for the words "whether for the use of the owner or occupier of the said premises or not" the words "otherwise than for the sole use and benefit of the said premises" shall be substituted.

Amendments in section 244.

26. In section 244 of the said Act,

(*a*) to sub-section (*1*) the following words shall be added, namely :—

[*Vol. III of this Code, p. 1082.*]

(*b*) in clause (*a*) of sub-section (*2*), for the words "ten" and "twenty" the words "fifteen" and "forty" shall respectively be substituted ; and

(*c*) the following sub-section shall be added, namely :—

[*Vol. III of this Code, p. 1083.*]

Addition of words to section 246, sub-section (*1*), clause (*c*).

27. To section 246, sub-section (*1*), clause (*c*), of the said Act, the words "within or without the city" shall be added.

Substitution of sections for sections 247 and 248.

28. For sections 247 and 248 of the said Act, the following sections shall be substituted, namely :—

[*Vol. III of this Code, p. 1084.*]

Insertion of a section after section 249.

29. After section 249 of the said Act the following section shall be inserted, namely :—

[*Vol. III of this Code, p. 1086.*]

Insertion of a section after section 251.

30. After section 251 of the said Act the following section shall be inserted, namely :—

[*Vol. III of this Code, p. 1088.*]

Insertion of a section after section 251A.

31. After section 251A of the said Act the following section shall be inserted, namely :—

[*Vol. III of this Code, p. 1088.*]

Insertion of words in sections 253

32. (*1*) In section 253 of the said Act, after the word "urinals" the words "and bathing and washing places" shall be inserted.

and 256 to 258.

(*2*) In sections 255, 256 and 258, of the said Act, after the word "urinal," wherever it occurs, the words "or bathing or washing place" shall be inserted.

Substitution of a new section for section 257.

33. For section 257 of the said Act the following section shall be substituted, namely :—

[*Vol. III of this Code, p. 1089.*]

Insertion of a section after section 257.

34. After section 257 of the said Act the following section shall be inserted, namely :—

[*Vol. III of this Code, p. 1090.*]

Repeal of section 259, sub-section (*2*).

35. Sub-section (*2*) of section 259 of the said Act is hereby repealed.

Insertion of a section after section 259.

36. After section 259 of the said Act the following section shall be inserted, namely :—

[*Vol. III of this Code, p. 1092.*]

Substitution of words in section 260.

37. In section 260 of the said Act, for the words "section 230, 231, 238, 256 or 257" the words "this chapter" shall be substituted.

Substitution of sections for sections 272 and 273.

38. For sections 272 and 273 of the said Act the following sections shall be substituted, namely :—

[*Vol. III of this Code, p. 1097.*]

Insertion of words in section 281.

39. In section 281, before the word "cesspool", where it occurs for the second time, insert the words "privy, water-closet or".

Substitution of words in section 287, sub-section (*2*).

40. In section 287, sub-section (*2*), of the said Act,

(*a*) for the words "the Commissioner shall not" the words "no person shall," and

(*b*) for the words "any person," where they first occur, the word "he" shall be substituted.

Insertion of a section after section 287.

41. After section 287 of the said Act the following section shall be inserted, namely :—

[*Vol. III of this Code, p. 1103.*]

Substitution of a section for section 297.

42. For section 297 of the said Act the following section shall be substituted, namely :—

[*Vol. III of this Code, p. 1105.*]

Amendment of sections 302, 303 and 304.

43. (*1*) In section 302 of the said Act, after the word "street", in the first place in which it occurs, the following words shall be inserted, namely :—

"whether it is intended to allow the public a right of passage or access over such street, or not" ;

(*2*) in section 303, sub-section (*1*), of the said Act, after the word "every" insert the word "such", and

(*3*) in section 304, sub-sections (*1*) and (*2*), of the said Act, before the words "new private street", insert the word "such".

Amendment of section 337, sub-section (*1*).

44. In section 337, sub-section (*1*), of the said Act, delete the word "and", and after the word "dimensions" add the following words, namely :—

"and the name of the person whom he intends to employ to surpervise its erection."

Amendments in section 338.

45. (*1*) Section 338 of the said Act shall be re-numbered section 338, sub-section (*1*).

(*2*) For clauses (*a*) and (*b*) of the said sub-section the following clauses shall be substituted, namely :—

[*Vol. III of this Code, p. 1120.*]

(*3*) To clause (*c*) of the said sub-section the following words shall be added, namely :—

"and the means of access to such building."

(*4*) After the said sub-section the following sub-section shall be inserted, namely :—

[*Vol. III of this Code, p. 1121.*]

Amendment of section 342.

46. In section 342 of the said Act, after the word "executed", delete the word "and", and after the word "work", where it occurs for the second time, add the following words, namely :—

"and the name of the person whom he intends to employ to supervise its execution."

Amendment of section 343.

47. (*1*) In sub-section (*1*) of section 343 of the said Act after the words "plans and sections", insert the words "of the building and"; and after the words "of the intended new work", where they occur for the second time, substitute for the remaining words of the said sub-section the words "and the provisions of sections 338, 339, 340 and 341 shall apply to the intended new work so far as the Commissioner may consider them to be applicable."

(*2*) After the said sub-section the following sub-section shall be inserted, namely :—

[*Vol. III of this Code, p. 1122.*]

(*3*) Sub-section (*2*) of the said section shall be deleted.

Amendments of section 344, sub-section (*2*).

48. In section 344, sub-section (*2*), of the said Act,

(*a*) after the figures "343" the figures and letter "344A" shall be inserted; and

(*b*) for the word and figures "and 349" the figures, letters and word "349, 349A, 349B and 349C" shall be substituted.

Insertion of a section after section 344.

49. Before section 345 of the said Act the following section shall be inserted, namely :—

[*Vol. III of this Code, p. 1123.*]

Insertion of a clause in section 347, sub-section (*1*).

50. After clause (*a*) of section 347, sub-section (*1*), of the said Act the following clause shall be inserted, namely :—

[*Vol. III of this Code, p. 1125.*]

Provisions as to buildings which are to be newly erected.

51. In section 348, sub-section (*1*), of the said Act

(*a*) the words " on any site previously unbuilt upon" are hereby repealed ;

(*b*) clause (*e*) shall be deleted and the subsequent clauses re-numbered accordingly ;

(*c*) in clause (*g*), for the word " eight " the word " ten " shall be substituted ;

(*d*) in clause (*h*),

(i) for the word " seven " the word " eight " shall be substituted, and

(ii) after the word " ceiling " the words " and a minimum height of not less than four feet " shall be inserted ;

(*e*) in clause (*j*), for the word " eighty " the words " one hundred " shall be substituted.

Insertion of sections after section 349.

52. After section 349 of the said Act, the following sections shall be inserted, namely :—

[*Vol. III of this Code, p. 1128.*]

Insertion of a section after section 353.

53. After section 353 of the said Act the following section shall be inserted, namely :—

[*Vol. III of this Code, p. 1131.*]

Insertion of a section after section 354.

54. After section 354 of the said Act the following section shall be inserted, namely :—

[*Vol. III of this Code, p. 1132.*]

Substitution of sections for section 379.

55. For section 379 of the said Act the following sections shall be substituted, namely :—

[*Vol. III of this Code, p. 1139.*]

Amendments in section 461, clause (*c*).

56. (*1*) In section 461, clause (*c*), of the said Act,

(*a*) the word " new " is hereby repealed, and

(*b*) after the word " chimneys " the words " the materials, dimensions and strength of floors and staircases, and of all scantlings, girders, posts and columns " shall be inserted.

Insertion of new clauses in section 461.

(*2*) After clause (*c*) of the said section the following clause shall be inserted, namely :—

[*Vol. III of this Code, p. 1168.*]

(*3*) After clause (*d*) of the said section the following clause shall be inserted, namely :—

[*Vol. III of this Code, p. 1164.*]

57. In section 470 of the said Act, Amendments and repeal in section 470.

(*a*) in sub-section (*1*), before the word "repealed" the words "modified or" shall be inserted, and

(*b*) in sub-section (*2*), before the word "repeal" the words "modify or" shall be inserted, and for the proviso to the said sub-section the following proviso shall be substituted, namely :—

[*Vol. III of this Code, p. 1172.*]

(*c*) in sub-section (*3*), before the word "repeal" the words "modification or" shall be inserted.

58. For sections 471 and 472 of the said Act the following sections shall be substituted, namely :— Substitution of sections for sections 471 and 472.

[*Vol. III of this Code, p. 1172.*]

59. For sub-section (*2*) of section 489 of the said Act the following sub-section shall be substituted, namely :— Substitution of a sub-section for section 489, sub-section (*2*).

[*Vol. III of this Code, p. 1193.*]

60. After schedule R of the said Act the following schedules shall be inserted, namely :— Insertion of schedules.

SCHEDULES S AND T.

[*Vol. III of this Code, p. 1222.*]

BOMBAY ACT No. 1 OF 1906.[1]

[*1st June, 1906.*]

An Act further to amend the Act to declare the constitution of Courts of Civil and Criminal Judicature in the Province of Sind.

WHEREAS it is expedient further to amend the [2] Act to declare the constitution of Courts of Civil and Criminal Judicature in the Province of Sind, in manner hereinafter appearing ; Bom. XII of 1866.

And whereas the previous sanction of the Governor General required by

1 For Statement of Objects and Reasons, *see* Bombay Government Gazette, 1906, Pt. VII, p 3 : for Report of Select Committee, *see ibid.* 1906, Pt. VII, p. 50, and for Proceedings in Council, *see ibid.* 1906 Pt. VII, pp. 30 and 65.

2 Vol. II of this Code, *supra*, p. 458.